IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**FIRST APPEAL NO. 125 OF 2007**

Prakash R. Mehta .. Appellant
(Orig. Plaintiff)

Versus

Brihanmumbai Mahanagarpalika
(Municipal Corporation of
Greater Mumbai) .. Respondent
(Orig.Defendant)

Mr. P.G.Lad,Advocate, for the the appellant.
Mr. J.J.Xavier,Advocate, for the respondent.

**CORAM: J.H.BHATIA,J.**

**DATE : 24th August, 2007**

**P.C.**

1. The learned Counsel for the parties make a statement that pending the Appeal, the appellant has made an application for regularisation of the disputed construction/enclosure. However, as per the information given by the learned Counsel for the respondent, the application could not be considered because certain documents are not submitted. The learned Counsel for

the appellant makes a statement that he will submit all the relevant documents before the concerned Executive Engineer, Building Proposals (City-III) within two weeks from today and the learned Counsel for the respondent states that the Execuive Engineer may decide the application within four weeks thereafter in accordance with law.

2. With this request, the learned Counsel for the appellant seeks to withdraw the Appeal. The Appeal stands disposed of as withdrawn. However, in view of the fact that the appellant wants to proceed with the application for regularisation of the disputed work as per law, the respondent shall not take any action on the basis of the impugned notice for a period of eight weeks from today.

3. Any observations made by the trial Court in the judgment in Suit No.5046 of 2000 shall not be taken into consideration by the concerned Executive Engineer while deciding the application for regularisation.

4. The parties shall act on the authenticated copy of this Order.

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**(J.H.BHATIA,J.)**